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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/811,789	NASUTI ET AL.	
	Examiner	Art Unit	
	PHILIP WANG	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19 and 22-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19 and 22-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to amendment filed on 12/20/2007.

2. The objection to the claim 21 is withdrawn in view of the Applicant's cancellation of the claim.

3. The 35 USC § 101 rejection of claims 20 and 21 are withdrawn in view of the Applicant's cancellation of the claims.

4. Per Applicant's request, claims 20 and 21 have been canceled; claim 25 is newly added.

5. Claims 1-19, 22-25 remain pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-19 are rejected under 101 as being directing to unstatutory subject matter. Claims 1-19 appear to be software per se.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-7, 10-19, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLong (USPTN 5,892,947) in view of Kamani et al. (USPGN 2005/0015666).

As for claim 1, DeLong discloses:

A system for evaluating tests of a computer program (Abstract, line 1),

comprising:

a computer-implemented test design environment that generates testing criteria(c1: 39-45, "…the generation of a minimal necessary set of test program…");

a computer-implemented test automation environment (101 and 105, FIG. 7) that provides for generation of testing code based upon and following said generation of the testing criteria(test programs, Col. 1, lines 39-40 and FIG. 2 and 7) so that the computer program can be tested with respect to predetermined testing criteria (FIG. 2, 3, and 7, and Col. 4, lines 48-49; note that TEST PLAN 40 in FIG. 3 is predetermined testing criteria);

a computer-implemented test results analysis environment (INTERFACE 49, FIG. 4) that provides for review of test results (test results 29, Col. 4, line 50) generated by executing the testing code with respect to the computer program (FIG. 4 and Col. 4, lines 48-50);

wherein the generated test results are automatically transferred to the test results analysis environment (Col. 7, lines 50-54 and FIG. 4).

But DeLong does not explicitly disclose:

wherein the test results analysis environment is separate and insulated from the

test automation environment such that a user of the test results analysis environment is not required to personally enter into the test automation environment;

However, Kamani et al. discloses:

wherein the test results analysis environment such that a user of the test results analysis environment is not required to personally enter into the test automation environment ([0012], "…isolating the evalution of the actual test result…from the test module…").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kamani et al. into the teachings of DeLong to include the limitation discloses by Kamani et al. . The modification would be obvious to one of ordinary skill in the art to want to evlaute test results independent of test module as suggested by Kamani et al. ([0011]).

As per claim 2,

the rejection of claim 1 is incorporated;

Kamani et al. discloses:

wherein a test results analyst using the separated and insulated test results analysis environment is not required to be knowledgeable about how to generate testing code for testing software applications([0012]).

As per claim 3,

the rejection of claim 2 is incorporated;

Kamani et al. discloses:

wherein the test results analyst is not skilled in computer programming([0012]).

As per claim 4,

the rejection of claim 2 is incorporated;

Kamani et al. discloses:

wherein role of the test results analyst is performed at least substantially independently from the role of a test automator, wherein the test automator uses the separated and insulated test automation environment([0012]).

As per claim 5,

the rejection of claim 4 is incorporated;

Kamani et al. discloses:

wherein testing of the computer program by the test automator occurs substantially independently from the analysis of the test results by the test results analyst([0012]).

As per claim 6,

the rejection of claim 1 is incorporated;

Kamani et al. discloses:

> wherein the generated test results are stored in a predetermined location for use within the test results analysis environment(see Fig. 1).

As per claim 7,

the rejection of claim 1 is incorporated;

Kamani et al. discloses:

> wherein the transferring of the generated test results to the test results analysis environment involves copying or moving the generated test results from the test automation environment to the test results environment; wherein the transferring is automatically transferred either based upon request of a test results analyst or without being requested by a test results analyst(see Fig. 1).

As per claim 10,

the rejection of claim 1 is incorporated;

Kamani et al. discloses:

> wherein a test designer independently generates the testing criteria; wherein a test automator and a test results analyst operate in separate and insulated software environments from the test designer's environment for generating the testing criteria([0012]).

As per claim 11, the rejection of claim 1 is incorporated;

Kamani et al. discloses:

> an automation independent tool for use by the test results analyst; wherein the automation independent tool insulates the test results analyst from details of the testing coding generated by the test automator to test the computer program([0012].

As per claim 12,

the rejection of claim 1 is incorporated;

DeLong discloses

> wherein the test automation environment includes capability to test the computer program in order to generate the test results(Fig. 7).

As per claim 13., the rejection of claim 1 is incorporated;

Kamani et al. discloses:

wherein test execution occurs outside the test automation environment([0012]).

As per claim 14, the rejection of claim 1 is incorporated;

Kamani et al. discloses:

wherein the test results analysis environment accesses previous test results related to the testing of the computer program so that the test results analyst may compare the results from a recent test to a previous test result([0058], "…compare test results…").

As per claim 15,

the rejection of claim 1 is incorporated;

Kamani et al. discloses:

wherein the test automator is not involved in interpreting the test results([0012]).

As per claim 16,

the rejection of claim 1 is incorporated;

DeLong discloses

wherein the testing criteria (TEST PLAN 40, FIG. 30) includes an action to test a computer-human interface generated by the computer program(GUI test, Col. 4, line 11).

As per claim 17, the rejection of claim 1 is incorporated;

Kamani et al. discloses:

wherein the testing criteria includes an action to test performance of the computer program([0005], "…test the performance of one or more functions…").

As per claim 18, the rejection of claim 1 is incorporated;

DeLong discloses

wherein the test automator examines at least a portion of code details associated with the computer program in order to generate the code to test the computer program(see Fig. 7, 101, 102);

Kamani et al. disclose

wherein the test results analyst is not required to know code details associated the computer program in order to perform the analysis of the generated test results([0012]).

As per claim 19, the rejection of claim 1 is incorporated;

Kamani et al. disclose

wherein test results analyst operating in the test results analyst environment is a different person than test automator operating in the test automation environment; wherein the test

results are provided such that the test results analyst is not required to have knowledge of the test automation code that was used to test the computer program([0012]).

As for claim 22, DeLong discloses:

A method for evaluating tests of a computer program (Abstract, line 1),

comprising the steps of:

Generating within a computer-implemented test design environment testing criteria for testing a compute program (c1: 39-45, "…the generation of a minimal necessary set of test program…");

generating within a computer-implemented test automation environment (101 and 105, FIG. 7) test automation code (test programs, Col. 1, lines 39-40 and FIG. 2 and 7) for automatically testing a computer program based upon and following the generation of the testing criteria; (FIG. 2, 3, and 7, and Col. 4, lines 48-49);

transferring automatically to a computer-implemented test results analysis environment (INTERFACE 49, FIG. 4) the test results generated by executing the test automation code upon the computer program (Col. 4, lines 48-50 and FIG. 4);

However DeLong does not specifically disclose

receiving the test results analysis within the test results analysis environment without requiring users of the test results analysis environment to know where the test results were stored within the test automation environment and without requiring the users themselves from having to enter into the test automation environment;

wherein the test result analysis environment is separate and insulated from the test

automation environment such that a user of the test results environment is not reqired to personally enter into the test automation environment.

However, Kamani et al. disclose

receiving the test results analysis within the test results analysis environment without requiring users of the test results analysis environment to know where the test results were stored within the test automation environment and without requiring the users themselves from having to enter into the test automation environment;

wherein the test result analysis environment is separate and insulated from the test automation environment such that a user of the test results environment is not reqired to personally enter into the test automation environment(see abstract or for example, [0012], "…isolating the valuation of actual test result…from the test module..").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kamani et al. into the teachings of DeLong to include the limitation discloses by Kamani et al. . The modification would be obvious to one of ordinary skill in the art to want to evlaute test results independent of test module as suggested by Kamani et al. ([0011]).

As per claim 23, the rejection of claim 22 is incorporated;

Kamani et al. disclose

wherein the test results analysis environment is separate and insulated from the test automation environment[0012].

As for claim 24,

It is a system claim reciting similar limitation as in method claim 22 and is rejection for the similar reasons as in the rejection of claim 22.

As per 25. the rejection of claim 1 is incorporated;

DeLong disclose

wherein the test design environment, the test automation environment, and the test results analysis environment operate on a network such that each of the environments are accessible through different computer terminals(Fig. 2c9: 50-65);

wherein the test design environment operates on a first computer which does not contain the test automation environment or the test results analysis environment(Fig. 4, c6:58-c7:54);

Kamani disclose

wherein the test automation environment operates on a second computer which does not contain the test design environment or the test results analysis environment([0012]);

wherein the test results analysis environment operates on a third computer which does not contain the test design environment or the test automation environment([0012]).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLong (USPTN 5,892,947) in view of Kamani et al. (USPGN 2005/0015666) and further in view of Hansen (US Pat. # 6,449,744 B1).

As for claim 8, both DeLong/Kamani et al. do not explicitly disclose:

> the test results analysis environment includes an internet web browser in order to view the generated test results.

However, Hansen discloses:

> the test results analysis environment (the test environment 250, Col. 5, lines 19- 20) includes an internet web browser (a web browser 252, Col. 5, line 25) in order to view the generated test results (Col. 7, lines 62,65 and Fig. 3A).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of DeLong/Kamani et al. with the teachings of Hansen by having the test results analysis environment that includes an internet web browser in order for the local tester and the remote tester to exchange data representing the test program and test results through a network (Hansen, Col. 4, lines 15-18).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLong in view of Kamani et al. (USPGN 2005/0015666) and further in view of Walker et al. (Mark H. Walker and Nanette Eaton, Microsoft Office Visio 2003 Inside Out, Microsoft Press, October 29, 2003), hereinafter Walker").

As for claim 9, both DeLong/Kamani et al. do not explicitly disclose:

> format of the generated test results include JPEG, HTML, GIFI and combinations thereof.

However, Walker discloses:

> format of the generated test results include JPEG, HTML, GIF, and combinations thereof (Chapter 26, Section: Saving Space Plans on the Web, Page 1 of 2; note that test results can be saved as HTML, JPEG, or GIF).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of DeLong/Kamani et al. with the teachings of Walker by having format of the generated test results to include JPEG, HTML, GIF, and combinations thereof in order to share test results (Walker, Chapter 26, Section: Saving Space Plans on the Web, Page 1 of 2, 1st paragraph).

Response to Arguments

9. Applicant's arguments with respect to claims 1-7, 10-19, 23-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Wang whose telephone number is 571-272-5934. The examiner can normally be reached on Mon - Fri 8:00 - 4:00PM. Any inquiry of general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Wei Zhen/

Supervisory Patent Examiner, Art Unit 2191